NEWS

Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF JANUARY 28, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-15 In re Samuel J., S102634. (A092914; 93 Cal.App.4th 130.) Petition for review after the Court of Appeal reversed orders in a wardship proceeding. This case concerns whether, and under what circumstances, hearsay testimony is admissible at a juvenile probation revocation hearing, under Welfare and Institutions Code section 777, subdivision (c), as amended by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)).

#02-16 Moore v. State Bd. of Control, S102849. (C031821; 93 Cal.App.4th 400.) Petition for review after the Court of Appeal reversed the judgment in a proceeding for a writ of administrative mandate. This case concerns whether a crime victim's application for assistance from the Crime Victims Restitution Fund (Gov. Code. § 13959, et seq.) may be considered timely under principles of equitable estoppel even if the application was not filed within the three-year statute of limitations specified by Government Code section 13961, subdivision (c).

#02-17 Sharon S. v. Superior Court, S102671. (D037871; 93 Cal.App.4th 218, mod. 93 Cal.App.4th 1158h.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case concerns (1) whether Family Code

(over)

section 8617 precludes a second parent adoption where the birth parents do not intend and do not consent to the termination of their parental rights, and (2) if so, whether the ruling should be prospective only.

#02-18 Henley v. Philip Morris Inc., S102941. (A087991; 93 Cal.App.4th 824.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in Myers v. Phillip Morris Companies, Inc., S095213 (#01-29), which concerns whether the amendments to Civil Code section 1714.45 that became effective on January 1, 1998, apply to a claim that accrued after January 1, 1998, but which is based on conduct that occurred prior to January 1, 1998.

#02-19 In re Tobacco Cases II, S102633. (D035450; 93 Cal.App.4th 183.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action. The court ordered briefing deferred pending decision in Naegele v. R.J. Reynolds Tobacco Co., S090420 (#00-129), which concerns whether the amendments to Civil Code section 1714.45, which removed the immunity from products liability actions previously accorded tobacco manufacturers, apply to a claim that accrued prior to January 1, 1998.

#02-20 Vaughan v. Jacobs & Jacobs, S103045. (B144394; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action. The court ordered briefing deferred pending decision in Colmenares v. Braemar Country Club, Inc., S098895 (#01-103), which presents issues concerning (1) whether the Fair Employment and Housing Act (Gov. Code, § 12940 et seq.), prior to the enactment of Government Code section 12926.1 and the amendment of Government Code section 12926, subdivision (k) by the Prudence Kay Poppink Act (stats. 2000, ch. 1049), required that a plaintiff who alleges that he or she was discriminated against on the basis of disability prove that his or her disability *substantially* limited a major life activity; and (2) whether the 2000 legislation, which explicitly provides that a substantial limitation is *not* required, should be applied retroactively if it represents a change in the law rather than a clarification of the preexisting law.

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